

1 CITY OF HYATTSVILLE

2
3 ORDINANCE 2022-__

4
5 An ordinance whereby the City Council amends Chapter 52 of the Hyattsville Code
6 to update and clarify the animal welfare provisions contained therein.
7

8 WHEREAS, the Maryland Code, Local Government Article, Section 5-202, as amended,
9 authorizes the legislative body of each municipal corporation in the State of Maryland to pass
10 ordinances that such legislative body deems necessary to assure the good government of the
11 municipality, to protect and preserve the municipality's rights, property and privileges, to preserve
12 peace and good order, to secure persons and property from danger and destruction, and to protect
13 the health, comfort, and convenience of the citizens of the municipality;
14

15 WHEREAS, the City recognizes that the provisions of Chapter 52 of the City Code, Dogs
16 and Other Animals, are somewhat outdated and do not contain appropriate mechanisms for
17 community outreach regarding incidents involving animals as well as coordination with Prince
18 George's County regarding such incidents;
19

20 WHEREAS, pursuant to substantial discussion and research, the Mayor and City Council
21 determined the need to update, address, and revise certain portions of Chapter 52 of the City Code;
22 and
23

24 WHEREAS, on November 4, 2021, the Mayor and City Council authorized the drafting
25 of an ordinance to revise Chapter 52 of the City Code.
26

27 NOW, THEREFORE, BE IT ORDAINED, by the City Council of the City of Hyattsville
28 in regular session assembled that Chapter 52 of the City Code is hereby amended as follows:

29 THE CODE

30 Chapter 52

31 DOGS AND OTHER ANIMALS
32

33 * * *

34 § 52-1 Definitions

35 A. As used in this Chapter, the following terms have the meanings indicated:
36

37 ANIMAL CONTROL LIASON

38 The City of Hyattsville representative responsible for collaborating with various City
39 departments and communicating with Prince George's County agencies responsible for animal
40 incidents that occur within the City's municipal boundaries. The liaison will have general
41 knowledge of applicable laws, regulations, and County procedures and serve as the City point of

1 contact to assist residents with obtaining information and follow-up when additional support is
2 needed from the responsible agencies.

3 **BITE**

4 A puncture or tear of the skin caused by the teeth of an animal.

5 **COUNTY**

6 Prince George's County, Maryland.

7 **DANGEROUS ANIMAL**

8 A "Dangerous Animal" is a designation given by Prince George's County Animal Services
9 Division for animals who have a history of aggressive behavior. "Dangerous Animals" have
10 restrictions placed upon them by the County, which may include a confinement order.

11 **PGCASD**

12 Prince George's County Animal Services Division

13 **PROTOCOL OR STANDARD RESPONSE PROTOCOL**

14 A tool developed by the City to guide appropriate responses in implementing and
15 responding to the provisions contained within this Chapter concerning animal control.

16 **SEVERE WEATHER**

17 Severe weather occurs when temperatures fall below 32 degrees Fahrenheit or exceed 90
18 degrees Fahrenheit.

19 **TETHERING**

20 Attaching a dog to a stationary object or pulley run by means of a chain, rope, tether, cable,
21 or similar restraint. Tethering does not include the use of a leash to walk a dog.

23 **§ 52-12. Confinement; exception.**

24 Dogs, cats and other animal pets shall be confined at all times to the premises of their owners,
25 except when under the immediate and effective control of a responsible person, specifically on a
26 leash not to exceed six feet in length.

28 **§ 52-3 Restrictions on the tethering of dogs.**

29 A. An unattended dog may not be tethered longer than one (1) consecutive hour in a twenty-
30 four (24) hour period.

31 **§ 52-4 Restrictions on exposing dogs to severe weather.**

32 A. A dog may not be outdoors, without human accompaniment for more than fifteen (15)
33 minutes during periods of severe weather, as defined in 52-1.

34 B. In the event of any violation of Subsection (A), above, the violator will:

35 (1) Receive a written warning for the first violation; and

36 (2) Receive a citation for any subsequent violations, as set forth in Code § 52-12.

1
2 **§ 52-25. ~~Actions considered public nuisance~~ Animal Behavior.** [Amended 4-5-2004 by HO-
3 **2004-09]**

4 ~~A. No owner shall fail to provide effective care and control of his animals to prevent them~~
5 ~~from becoming a public nuisance. Excessive, continuous or untimely barking, howling or making~~
6 ~~of other noises, molesting passersby, chasing vehicles, habitually attacking other domestic~~
7 ~~animals, trespassing upon school grounds or trespassing upon any other property in such a manner~~
8 ~~as to damage the property or excreting on property other than that of the owner shall be deemed a~~
9 ~~nuisance.~~

10 ~~B. No person owning, keeping or having custody of a dog or cat, except a seeing eye dog,~~
11 ~~shall allow or permit excrement of such animal to remain on public property, including streets or~~
12 ~~private property without the consent of the owner or occupant thereof. The person owning, keeping~~
13 ~~or having custody of the animal shall immediately remove and properly dispose of the excrement~~
14 ~~deposited by the animal.~~

15 A. Pet owners, or those tasked with the responsibility or care of an animal, shall provide
16 effective care and control of their animals to prevent them from becoming a public
17 nuisance.

18 B. Depending on the severity of the violation, there are two categories of public nuisance
19 infractions:

20 (1) Public Nuisance Category 1: No person, tasked with responsibility or care of an
21 animal, shall permit said animal to engage in excessive barking, howling, or making
22 of other noises, or to defecate on property, other than that of the owner, without the
23 defecation being immediately cleaned up. Any such violation will constitute a
24 public nuisance category 1 infraction.

25 (2) Public Nuisance Category 2: No person, tasked with responsibility or care of an
26 animal, shall allow dogs to be unleashed in public spaces, except designated off-
27 leash dog parks, to trespass on private property, or violate Sections 52-3 or 52-4.
28 Any such violation will constitute a public nuisance category 2 infraction.

29 C. An animal control violation shall be deemed a “public threat” if it harms or threatens to
30 harm humans or other animals. Pet owners, or those responsible for a pet and/or its care,
31 shall provide effective care and control for animals in their custody to prevent them from
32 becoming a public threat.

33 D. Depending upon the severity of a violation, there are two categories of public threat
34 infractions:

35 (1) Public Threat Category 1: No person, tasked with responsibility or care of an
36 animal, shall allow an animal, without provocation, to engage in threatening and
37 menacing behaviors, such as charging and snapping at humans or other animals.
38 This does not include animals that are within fenced in yards or animals that are on
39 a leash. Any such violation shall constitute a public threat category 1 violation.

40 (2) Public Threat Category 2: No person, tasked with responsibility or care of an
41 animal, shall allow an animal, without provocation, to inflict injury on a human on
42 private or public property or allow such an animal to attack, bite, or kill another

1 animal. Any such violation shall constitute a public threat category 2 violation.
2

3 **§ 52-36. Confinement of female dogs and cats in heat required.**

4 The owner of any female dog or cat shall confine said dog or cat in heat within a building or secure
5 enclosed kennel with a top in such a manner that such female dog or cat cannot come in contact
6 with another animal except for planned breeding within the building or enclosure.
7

8 **§ 52-47. Care and treatment of animals. [Amended 4-5-2004 by HO-2004-09]**

9 It shall be a violation of this article for the owner of any domestic or kept animal to fail to provide
10 said animal with sufficient good and wholesome food and water, clean and sanitary surroundings
11 and shelter and protection from the weather, veterinary care when needed to prevent suffering or
12 the transmission of communicable disease, humane care and treatment, and it shall be a violation
13 to abandon an animal, to beat, ill-treat, torment, overload, overwork or otherwise abuse any animal
14 or cause or permit any animal to fight or become engaged in combat between animals or between
15 animals and humans.
16

17 **~~§ 52-58. Appointment of special animal warden; Use of county agency. [Amended 4-5-~~**
18 **~~2004 by HO-2004-09]~~**

19 ~~The Mayor and City Council shall be authorized to appoint a special Animal Warden or other~~
20 ~~City agent empowered to enforce this Code and said Animal Warden shall be under the direction~~
21 ~~of the Chief of Police or Code Enforcement Supervisor or shall call upon the Prince George's~~
22 ~~animal shelter to assist the Police Department in impounding any dog or cat found at large in~~
23 ~~violation of this chapter.~~

24 The City shall rely on Prince George's County Animal Services Division (PGCASD) for the
25 primary enforcement of animal control regulations. The Animal Control Liaison may on occasion
26 follow-up with PGCASD on animal control enforcement concerns and maintain communication
27 with PGCASD as needed to help direct residents for animal-control related services.
28

29 **~~§ 52-912. Violations and penalties. [Amended 3-3-1980 by HB No. 1-80; 3-3-1980 by~~**
30 **~~HB No. 2-80; by HB No. 7-82, 6-1-1998 by HR 98-03, 7-16-2001 by HO-2001-03,~~**
31 **~~4-5-2004 by HO-2004-09]~~**

32 A. Violations of this article shall be punishable as a municipal infraction as provided in
33 Chapter 20 of this Code. ~~With the exception of § 52-4, the fine for the first violation shall~~
34 ~~be \$100 and the fine for the second and subsequent violations will be \$200.~~

35 B. In the case of a verified cruelty or neglect charge, as pertains to § 52-47, the fine for the
36 first violation shall be \$250 and the fine for the second and subsequent violations will be
37 \$500.

38 C. For public nuisance category 1 violations and public nuisance category 2 violations, the
39 City shall issue a warning to the violator for a first-time violation. For any subsequent
40 violations, the City may issue a citation to the violator. The fine for a first violation shall
41 be \$100 and the fine for the second and subsequent violations occurring on any day after
42 the date of the first violation will be \$200.

43 D. For public threat category 1 violations, the City shall issue a warning to the violator for a
44 first-time violation. For any subsequent violations, the City may issue a citation to the

1 violator. The fine for a first violation shall be \$250 and the fine for the second and
2 subsequent violations occurring on any day after the date of the first violation will be \$500.

- 3 E. For public threat category 2 violations, the City may issue a citation to the violator. The
4 fine for a first violation shall be \$500 and the fine for the second and subsequent violations
5 occurring on any day after the date of the first violation will be \$1000.

6 **§ 52-13 Public Safety Alerts**

7 In the event that a public threat category 2 violation occurs, the City shall issue a public safety
8 alert within twenty-four hours after the occurrence, in which the City shall inform City residents
9 of the incident and the block where the animal resides and where the incident took place.
10 Addresses of specific properties will not be used in such public safety alerts, and the City shall
11 issue follow-up public safety alerts to keep citizens informed, as the situation requires.

12 **§ 52-14. Prohibited animals. [Amended 4-5-2004 by HO-2004-09]**

13 Keeping livestock, domestic fowl and/or wild exotic rare animals is prohibited within the City.
14 This includes but is not limited to: cattle, horses, swine, sheep, pigs, goats, turkeys, roosters and
15 other poultry and game birds, or wild exotic cats, monkeys, venomous snakes and any endangered
16 species.

17 **§ 52-15. Animal Control Liaison**

- 18 A. Should the City Administrator designate an Animal Control Liaison, the position,
19 will be responsible for the following:

- 20 (1) Reporting information concerning violations of this Chapter as set forth in Section
21 52-17
- 22 (2) Coordinating between the various City departments which respond to, address, or
23 receive complaints of violations under this Chapter;
- 24 (3) Corresponding with the County when complaints or incidents involving animals
25 within the City's municipal boundaries require follow-up; and
- 26 (4) Coordinating emergency and routine communication with the public regarding
27 public nuisance or public threat incidents or violations under this Chapter.
28

29 **§ 52-16. Code Conformity, Standardization, and Training**

- 30
- 31 A. Code Conformity. The City will conduct a review of the Hyattsville Police General Orders
32 related to animal control to ensure that said general orders mirror this Chapter, as amended.
33
- 34 B. Standard Response Protocol. The City shall develop a standard response protocol to inform
35 appropriate responses by the City. Said protocol will include requirements to provide
36 reports to the County, issue written warnings or citations, log and track data for annual
37 reporting, and to post information concerning incidents in the police log.
38

39 **§ 52-17. Data Collection and Reporting**

- 40
- 41 A. City Data. The City shall record all reported Public Threat violations and written warnings

1 occurring within the municipal boundaries of the City in a prompt and timely manner, and
2 report this information as follows:

3
4 (1) Within five (5) business days from when a violation is reported to the City, the
5 City's Animal Control Liaison shall report public threat violations and all cruelty
6 or neglect violations to the PGCASD.

7
8 (2) On a quarterly basis, the City's Animal Control Liaison will make this information
9 available to the public via the City's communication channels.

10
11 B. Annual Report. On an annual basis, the City's Animal Control Liaison shall prepare a
12 report to include the animal control data outlined below from the City's prior fiscal year.
13 This report shall be made available to the Mayor and City Council, as well as City residents.
14 The annual report should include, but not be limited to, the following information:

15
16 (1) All reported public nuisance incidents (i.e., at-large dog incidents) and all public
17 threat incidents that occur within the City's municipal boundaries.

18
19 (2) All actions taken in response to reported violations, including citations, animals
20 reported by the City to PGCASD based on public threat violations, an inventory of
21 dogs identified as "dangerous" by the County, and any animals under quarantine or
22 confinement orders by the County within the municipal boundaries of the City.

23
24 (3) All public threat category 2 public safety alerts that are issued by the City, based
25 on events occurring within the City's municipal boundaries.

26
27 (4) The contact information of the City's Animal Control Liaison.

28
29 **AND BE IT FURTHER ORDAINED** that a fair summary of this ordinance shall
30 forthwith be published in twice in a newspaper having general circulation in the City and otherwise
31 be made available to the public;

32 **INTRODUCED** by the City Council of the City of Hyattsville, Maryland, at a regular
33 public meeting on _____.

34
35 **ADOPTED** by the City Council of the City of Hyattsville, Maryland at a regular public
36 meeting on _____.

37
38
39 Adopted: _____

40
41
42 Attest: _____
43 Laura Reams, City Clerk

44 _____
45 Robert S. Croslin, Mayor

1 **Effective Date:** _____.

2

3

4 **Explanatory Note:**

5 1. Underlining indicates language being added to the Code.

6 2. ~~Strikethrough~~ indicates language being deleted from the Code.